IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 617 (M/B) of 2003

Sherwood Diocesan College Society,
Through its Principal / Secretary, Nainital,
District – Nainital. **…….Petitioner**

V e r s u s

1. Regional Provident Fund commissioner, U.P., Kanpur.
2. The Assistant Provident Fund Commissioner, Sub Regional Office, Haldwani, District – Nainital.
3. Branch Manager, Allahabad Bank, Nainital District – Nainital.

…….Respondents

Coram:
Hon'ble M.M. Ghildiyal, J.
Hon'ble B.S. Verma, J.

Heard Sri D.K. Sharma, learned counsel for the petitioner Sri Ramji Srivastava, learned counsel for respondents no. 1 and 2 and Sri Rakesh Kunwar, holding brief of Sri U.P.S. Negi, learned counsel for the respondent no. 3.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(a) *issue a writ, order or direction in the nature of Mandamus restraining the respondents no. 1 and 2 from crediting the amount of Rs. 27,74,422/- in their account towards the damages and interest thereon pertaining to the period commence from August, 1982 to February 1988 and further the respondent no. 3 the bank may also be directed to cancel the demand draft issued in favour of respondent no. 2 forthwith and if the amount has been credited by the respondent no. 2 in their account the same may be returned to the Institution forthwith.*

(b) *Issue any suitable writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

(c) *Award to cost of the petition to the petitioner.*

Learned counsel for the parties have submitted the controversy raised in the present writ petition is squarely covered by the judgment and order dated 28.07.2006 passed by Division Bench of this court in Writ Petition No. 616 (M/B) of 2003 (All Saints College Vs. Regional Provident Fund Commissioner, U.P., Kanpur and others) consequently, the present writ petition may be decided on the same terms of the aforesaid judgment.

In view of the aforesaid statement made by the learned counsel for the parties, this writ petition is finally disposed of on the same terms and observations made in judgement and order dated 28.07.2006 passed by Division Bench of this court in Writ Petition No. 616 (M/B) of 2003 (All Saints College Vs. Regional Provident Fund Commissioner, U.P., Kanpur and others).

Writ Petition is disposed of accordingly.

(B.S. Verma, J) (M.M. Ghildiyal, J)

August 04, 2006
SKSharma